

DAVID P CUSICK, #160467 TRUSTEE  
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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

## SACRAMENTO DIVISION

IN RE: ) Case No: 21-20922-A-13C  
 ) DCN: DPC-1  
 )  
KYLE CURTIS ASH, ) DECLARATION OF NEIL ENMARK  
 ) IN SUPPORT OF TRUSTEE'S  
 ) OBJECTION TO CONFIRMATION  
 )  
 ) DATE: MAY 25, 2021  
 ) TIME: 9:00 A.M.  
 ) JUDGE: CLEMENT  
Debtor(s) ) COURTROOM: 28

I, Neil Enmark, do hereby state and declare as follows:

1. I am over the age of eighteen years old and not a party to this action.
  2. I am employed by DAVID P. CUSICK, TRUSTEE, and in the course of my employment, I have become familiar with his records and procedures, and the records of this case, and I can testify as to both.

1           3. I have reviewed the Trustee's records and show that Debtor's plan proposes no  
2 less than 77% to unsecured claims which are estimated at \$5,693.00, (Plan, DN 3, Page 5,  
3 §3.14.) The Debtor's calculated monthly disposable income is \$7,572.00, (Form 122C-2, DN 1,  
4 Page 57, Line 45.)  
5

6           4. I show the Trustee's records show that no payments have been received in this case  
7 to date where it shows \$5,060.00 due under the plan, (DN 3, Page 2, §2.01.)

8           5. I show that no claim has been filed by ACM Investor Services to date, where the  
9 plan calls for this claim to be paid in full, (Plan, DN 3, Page 4, §3.08), and the plan normally  
10 requires a claim to be filed to be paid, (Plan, DN 3, Page 1, §3.01.)  
11

12           6. I show debtor has only two scheduled secured debts, Wells Fargo Home Mortgage  
13 and ACM Investor Services, and seven separate real properties, (DN 1, Pages 11-14.) Debtor  
14 proposes to pay Wells Fargo Home Mortgage directly as Class 4 and to pay ACM Investor  
15 Services in full as Class 2, (Plan, DN 3, Page 4, §§3.08(d), 3.10.)  
16

17           7. I show Debtor owns 100% of AKC Properties, LLC, 15% of D & D Reit, Inc., and  
18 an interest in Curtis Property Investments, LLC, (Statement of Financial Affairs, DN 1, Page  
19 46, Question 27; Schedule A/B, DN 1, Page 19, Question 19.) Debtor also owns 20% and is the  
20 executor of his grandparents trusts, (Schedule A/B, DN 1, Page 19, Question 25.) Schedule I  
21 includes 12 months profit and loss, (by Solano Property Management, DN 1, Pages 34-36.)  
22

23           8. I show Debtor has scheduled the value of his interests in LLC as "Unknown."  
24 (Schedule A/B, DN 1, Page 19, Question 19.)

25           I declare under penalty of perjury that the foregoing is true and correct.  
26

27           Executed on APRIL 28, 2021, at Galt, California.  
28

/s/Neil Enmark  
Neil Enmark, Attorney for Trustee